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ACTS,

RESOLUTIONS AND MEMORIALS

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH,

DURING THE

ELEVENTH ANNUAL SESSION,

FOR THE YEARS 1861-62.

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TO THE

## ACTS, RESOLUTIONS AND MEMORIALS

OF THE

### LEGISLATIVE ASSEMBLY,

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# ACTS AND RESOLUTIONS

OF THE

## TERRITORY OF UTAH.

### AN ACT

*To Amend an Act to Incorporate Great Salt Lake City, approved Jan. 10, 1862.  
January 20, 1860.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That appeals shall be allowed from the Mayor and Alderman's Courts of said city to the Probate Court of Great Salt Lake County, under the same regulations and restrictions as are or may be provided for appeals from Justices of the Peace to the Probate Court. Of appeals.

Approved Jan. 10, 1862.

### AN ACT

*To Establish a Road in Davis, Weber and Box Elder Counties. Jan. 10, 1862.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the Territorial Road Commissioner is hereby authorized and required to locate a road on the most feasible route; beginning at or near Layton's residence in Davis County; thence northwardly, crossing the Weber river below

ELEVENTH SESSION.

its junction with Ogden river; thence, still northward, on the most direct route practicable, till it shall intersect the present Territorial road at the most convenient point south of Willow Creek in Box Elder County.

Approved Jan. 10, 1862.

—o—  
AN ACT

Jan. 14, 1862. *Amending an Act granting to Lewis Robison and Joshua Terry the Right of Building a Toll Bridge across Green River, approved Jan. 18, 1861.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That "An act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river," approved Jan. 18, 1861; be amended so as to extend the time of completing said bridge for the term of one year.

Sec. 2. That the said Robison and Terry shall have the privilege of establishing and controlling a ferry across Green river, in accordance with "An act granting unto Isaac Bullock and Lewis Robison the right to erect and control ferries on Green river," approved Jan. 17, 1859, until the completion of said toll bridge.

Approved Jan. 14, 1862.

—o—  
AN ACT

Jan. 15, 1862. *Repealing an Act Incorporating the City of Palmyra, and certain Sections of other Acts herein named.*

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That an act to incorporate the city of Palmyra, approved Jan. 21, 1853; also,

The 46th section of an act to incorporate Cedar city, approved Feb. 10, 1852,

The 46th section of an act to incorporate the city of Lehi, approved Feb. 25, 1852,

The 46th section of an act to incorporate Fillmore city, approved Feb. 13, 1852,

The 46th section of an act to incorporate the city of Payson, approved Jan. 21, 1853.

The 46th section of an act to incorporate Lake city, approved June 4, 1853.

The 46th section of an act to incorporate Pleasant Grove city, approved Jan. 19, 1855.

The 46th section of an act to incorporate Spanish Fork city, approved Jan. 19, 1855.

The 46th section of an act to incorporate Alpine city, approved Jan. 19, 1855.

The 46th section of an act to incorporate E. T. city, approved Jan. 18, 1855.

The 46th section of an act to incorporate Manti city, approved Feb. 6, 1851.

The 46th section of an act to incorporate the city of Provo, approved Feb. 6, 1851.

The 46th section of an act to incorporate the city of Parowan, approved Feb. 6, 1851.

The 46th section of an act to incorporate the city of Springville, approved Feb. 13, 1852; and,

"An act in relation to the assessment, collection and expenditure of a tax for road and other purposes within incorporated cities," approved June 4, 1853, are hereby repealed.

Approved Jan. 15, 1862.

—o—

## AN ACT

*In Relation to the Superintendents of Common Schools.*

Jan. 15, 1862.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the Superintendent of Common Schools for the Territory of Utah shall hereafter be elected by the joint vote of the Legislative Assembly, and shall make his report annually to the Legislative Assembly during the first week of its session.

Election of Superintendent.

Report.

Sec. 2: It shall be the duty of the Territorial Superintendent to keep a faithful record of the condition of common schools throughout the Territory, as reported to him by the County Superintendents, and to furnish each County Superintendent with a blank record, headed according to "form for school trustees," and

Duties

ELEVENTH SESSION.

also "form of school teacher's report," as described in "An act creating the office of County Superintendent of Common Schools," etc., approved Jan. 20, 1860.

County Super-  
intendents.)

Sec. 3: The County Superintendents shall enter in said record every official return made to them by school trustees and school teachers, and keep the same in their offices subject to the inspection of the Territorial Superintendent and the County Courts of their respective counties; and the auditor of public accounts is authorized, on the order of the Territorial Superintendent to issue warrants on the Territorial Treasurer to defray the cost of said records, payable out of any moneys in the treasury not otherwise appropriated.

Repealing  
clauses.

Sec. 4. That this act shall be in force from and after the date of its approval, and that so much of section one of an act entitled "An act relating to common schools," approved Dec. 30, 1854, as conflicts with this act, is hereby repealed.

Approved Jan. 15, 1862.

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AN ACT

Jan. 16, 1862.

*Locating the County Seat of Juab County.*

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the County seat of Juab County is hereby located at Nephi city, in said County.

Approved Jan. 16, 1862.

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AN ACT

Jan. 16, 1862)

*Providing for a Poll Tax for Road Purposes..*

Supervisors:

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That each County Court shall, at its next March term, district its respective County into as many portions as may, in its judgment, render it convenient to carry out the provisions of this act most effectively for the general good, and appoint a Supervisor for each district. If

**ELEVENTH SESSION.**

shall require annually a poll tax, not to exceed two day's labor, or one and a half dollars per day in lieu thereof, of every able-bodied male inhabitant over sixteen and under fifty years of age; said labor to be performed upon any Territorial or County road within the limits of the County, under the direction of their respective Supervisors; and all means, other than labor, accruing from said tax, shall be paid over to the Supervisor of the district, to be by him expended to the best advantage upon the roads aforesaid, after reserving therefrom an amount sufficient to remunerate himself for his services as hereinafter provided.

Sec. 2. Each Supervisor shall give bonds, with security, to be approved by the Probate Judge or Clerk of the County Court, payable to the people of their respective counties, for a sum not exceeding five hundred dollars, for the faithful performance of his duties according to the requirements of this act, which bond shall be filed in the office of the Clerk of the County Court, and shall receive the sum of two dollars for each day's faithful service in the duties of his office, to be paid out of the poll tax of his district.

Bond.

Sec. 3. It shall be the duty of the County Court to furnish each Supervisor with a suitable book for his official accounts, containing a list of poll tax payers within his district, so near as may be, together with a statement of the amount of poll tax required of each person liable under the first section of this act, to which the Supervisor is authorized and required to add the names of all persons within his district thus liable, whose names may have been omitted.

List.

Sec. 4. Each Supervisor shall, at his discretion, notify so many persons whose names are on his list, as he may deem practicable to appear at such time and place as their services may be required, with appropriate tools for the kind of work to be performed, giving the parties at least three days' notice of such requirement. When teams may be required, the Supervisor shall negotiate for the same at an equitable rate.

Powers.

Sec. 5. Any person notified, as provided by section four, desirous of making other pay than labor, may give the Supervisor notice accordingly, and if he pay the amount of his tax for the current year before the day he has been required to perform the labor, he shall be justified in non-appearance; but, otherwise,

Collections.

the Supervisor may, as such, sue and collect the same as an action of debt, and no property shall be exempt from execution on judgment so recovered.

Report.

Sec. 6. Each Supervisor shall, at the December term of the County Court, annually, make a full report to said Court of the amount of labor performed; the amount collected in other means, and in what manner expended, with the amount and kind of means on hand.

Approved Jan. 16, 1862.

## AN ACT

Jan. 16, 1862.

*In Relation to Attachments and Garnishments.*

Attachments.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That when any action, founded upon contract, expressed or implied, shall have been commenced, or is about being commenced, the plaintiff may have the property of the defendant (not exempt from execution) attached, as a security for the satisfaction of such judgment, as he may recover as hereinafter provided.

Separate complaint.

Sec. 2. If it be subsequent to the commencement of the action, a separate complaint must be filed, and in all cases the proceedings relative to the attachment are to be deemed independent of the ordinary proceedings and only auxiliary thereto.

Nature thereof.

Sec. 3. The complaint shall be subscribed and sworn to, and shall set forth that a cause of action exists against the defendant, and the amount claimed and the nature thereof; and as the affiant verily believes that the defendant is not a resident of this Territory, or has departed, or is about to depart therefrom, with the intent to defraud his creditors, or to avoid the service of a summons, that he has assigned, secreted or disposed of, or is about to assign, secrete, or dispose of his property, or any part thereof, with the intent to defraud his creditors.

Bond.

Sec. 4. Before issuing a writ of attachment the plaintiff shall execute a bond, with one or more sufficient sureties, to be approved by the justice of the peace, judge, or clerk of the court, in which the action

is brought, in a sum not less than, nor exceeding treble the amount claimed, provided that no bond shall be taken for a sum less than one hundred dollars, conditioned that, if the defendant recovers judgment, the plaintiff will pay all costs that may be awarded to the defendant and all damages which he may sustain by reason of the attachment. The bond shall be filed with the proceedings in the case, and shall be for the use of any person injured by the proceedings.

Sec. 5. If the attachment was wrongfully sued out, suit may be brought on such bonds before the principal suit is determined.

Suit on.

Sec. 6. The writ of attachment shall be issued by the clerk of the court or justice, as the case may be, and directed to the Sheriff or other proper officer of the court, and shall require him to attach and safely keep all the property of such defendant, not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, as stated in the complaint, together with cost of suit.

Writ.

Sec. 7. The officer shall execute such writ and take into his possession all property capable of manual delivery, and giving the defendant, if to be found, notice of such attachment.

Possession of property.

Sec. 8. The officer shall note on the writ, the day, month and year, when the attachment was made, and shall make a full inventory of the property attached, and forthwith return the same with the writ of attachment.

Return.

Sec. 9. If any of the property attached be perishable, the officer shall sell the same in the manner in which property is sold on execution. The proceeds thereof and other property attached shall be retained by him to answer any judgment that may be recovered in the action, unless it be delivered over as prescribed in the next section. Debts due the defendant may be attached and collected, if the same can be done without suit, and the receipt of the officers attaching the same, shall be sufficient discharge for the amount paid.

Sale.

Sec. 10. The officer shall deliver any of the property to the defendant, or to any other person claiming it, and in whose possession it was attached, upon his giving a written undertaking therefor, executed by one or more sureties, satisfactory to the court issuing the

Delivery.

writ, conditioned to deliver it or pay the value thereof to the officer to whom execution upon a judgment obtained by the plaintiff in that action may be issued.

Defence.

Sec. 11. If any action be brought upon such undertaking against the principal or his sureties, it shall be a defence that the property for which the undertaking was given did not, at the execution of the writ of attachment, belong to defendant against whom it was issued, or that such property was exempt from execution.

Judgment.

Sec. 12. If judgment be recovered by the plaintiff against the defendant in such action, the Sheriff or other officer shall satisfy the same out of the property attached by him, if it be sufficient for that purpose;

1st. By paying to the plaintiff the proceeds of all sales of perishable property sold by him, or of any debts due collected by him, or so much as shall be necessary to satisfy the judgment.

2d. If any balance remain due, and an execution shall have been issued on the judgment, he shall sell, under the execution, so much of the property, real or personal, as may be necessary to satisfy the balance, if enough for that purpose remain in his hands. Notice of the sales shall be given, and the sales conducted as in other cases of sales on executions.

Balance.

Sec. 13. If, after selling all the property attached by him remaining in his hands, and applying the proceeds to the payment of the judgment and costs, any balance shall remain due, the Sheriff or other officer shall proceed to collect such balance as upon an execution in other cases. Whenever the judgment and all the cost in the proceedings shall have been paid, the Sheriff or other officer shall deliver over to the defendant the residue of the attached property, or the proceeds thereof.

Discharge.

Sec. 14. If the defendant recover judgment against the plaintiff, any undertaking received in the action, all the proceeds of sales and money collected by the officer, and all the property attached remaining in his hands shall be delivered to the defendant or his agent, and the attachment shall be discharged.

Sec. 15. The defendant may also, at any time before the time for answering expires, apply, on motion to the court or judge, to discharge the attachment on the ground that the writ was improperly issued. Application for.

Sec. 16. If the motion be made upon affidavit on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other evidence in addition to those on which the writ of attachment was issued. If, upon such application, it shall satisfactorily appear that such writ was improperly issued, it shall be discharged. Opposition to.

Sec. 17. When the writ of attachment shall be fully executed, the officer shall return the same, with his proceedings thereon, to the court in which the action was brought. Return.

Sec. 18. When an action is commenced, or is about to be commenced, and the plaintiff is entitled to a writ of attachment against the property and effects of the defendant; or, when judgment has been recovered in any action, and, upon execution, sufficient property of the defendant cannot be found to satisfy such execution, the plaintiff may file a complaint in the court in which the action is brought, against any person as garnishee, setting forth that such person has property of the defendant in his possession; or that he is indebted to said defendant, and the facts in relation thereto, a summons shall thereupon issue to said garnishee reciting the above facts, and requiring him to appear and answer the complaint, or that judgment by default will be taken against him as in ordinary cases. Garnishee.

Sec. 19. The subsequent pleadings and proceedings in an action against the garnishee shall be, in all respects, as between a plaintiff and defendant in a similar action. Proceedings.

Sec. 20. If, upon trial it shall appear that the garnishee is possessed of property or effects of the defendant, or is indebted to the defendant upon the value of such property or effects, or the amount of such debt being ascertained, judgment may be rendered against the garnishee for the proper amount. The court may make the garnishee a reasonable allowance for his trouble in the case, to be paid out of the fund due in his hands, but in no case shall final judgment be rendered against the garnishee until there shall be final Judgment.

judgment against the defendant, and in no case for a greater amount than that claimed by the plaintiff.

**Discharge.**

Sec. 21. Whenever any property, effects or money belonging, or debts owing to the defendant, shall, as aforesaid, be found to be in the possession of the garnishee, he may, at any time before final judgment, discharge himself by delivering the same to the Sheriff or other proper officer, but execution shall not be awarded against the garnishee for any debt until the same shall become due.

**Exemption.**

Sec. 22. No Territorial or County Treasurer shall be liable as such to answer as garnishee for any moneys in his possession.

**Repeal.**

Sec. 23. "An act governing writs of attachments and capias," approved March 3, 1852, is hereby repealed.

Approved Jan. 16, 1862.

## AN ACT

Jan. 16, 1861.

*In relation to the Compilation and Revision of the Laws and Resolutions in force in Utah Territory, and embodying certain Amendments.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the following digest of the laws, with the amendments and alterations therein specified, is hereby declared valid in law.

**Declaration.**

Sec. 2. All laws and resolutions, except those enacted during the session of 1861-62, not included in the following list, are hereby declared repealed, obsolete, or not necessary to reprint. In said list "Book 1," is the revised laws of the session of 1854-5; "Book 2" is the laws of the session of 1855-6; "Book 3" is the laws of the session of 1856-7; "Book 4" is the laws of the session of 1858-9; "Book 5" is the laws of the session of 1859-60; and "Book 6" is the laws of the session of 1860-61.

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| 1                                                                  | 62    | Mar. 2, 1850 An Ordinance creating a Surveyor General's Office, etc. Sec. 2, for "Secretary of State" read "Auditor of public accounts." Sec. 3, omit "keep his office at the seat of government, and." |
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|       |       | An Ordinance to incorporate the city of Manti. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read, "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and the returns thereof made in such manner as shall be provided for by the ordinances of the City Council." Sec. 10, strike out all after the word "thereof" in the 17th line. |
| 1     | 88    | Feb. 6, 1851                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|       |       | An Ordinance to incorporate Provo city. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and the returns thereof made in such manner as shall be provided for by the ordinance of the City Council. Sec. 10, strike out all after the word "thereof," in the seventeenth line.   |
| 1     | 95    | Feb. 6, 1851                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|       |       | An Ordinance to incorporate Parowan city. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and the returns thereof made in such manner as shall be provided for by the ordinance of the city council." Sec. 10, strike out all after the word "thereof," in the 17th line.       |
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| ch. 166<br>366 | June 14, 1858 | An Act in relation to Courts, and the holding of the terms thereof, in the several Territories in the United States.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
|                |               | ACTS OF THE LEGISLATIVE ASSEMBLY OF TERRITORY OF UTAH.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| 1120           | Feb. 4, 1852  | An Act in relation to the Judiciary. Sec. 23, for "four years" read "one year;" for "Clerk of the District Court, or the judge thereof," read "Auditor of public accounts, and the auditor shall give the person filing bonds a certificate that such bond has been approved by him." Sec. 45 and 46 are hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 1129           | Feb. 4, 1852  | An Act in relation to Justices of the Peace.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| 1132           | Dec. 30, 1852 | An Act regulating the mode of procedure in civil cases in the Courts of the Territory of Utah. Sec. 9, after "set forth therein" read "provided pay be tendered for so doing." Sec. 10, insert "or" between "originated" and "where." Sec. 11, for "judicious" read "qualified." Sec. 12, amended to read, "Previous to swearing persons drawn or selected to serve as a petit jury, each party may challenge for cause, to the number that either or both parties may be able to produce what to them seems to be good cause, the validity of said cause to be determined by the court, and each party may, as aforesaid, peremptorily challenge as many as four persons." Sec. 15, after "plaintiff" read "or that the defendant has left, or there is good reason to be- |  |

| BOOK. | PAGE.         | APPROVED.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|       |               | lieve intends leaving, in said territory, any person whom he is bound by law to support, unprovided for, or any person having sued for a bill of divorce, and the right of property undecided." Sec. 29, substituted by "any deed of conveyance made by a sheriff or collector of taxes, in pursuance of an order of court, and executed and recorded according to the statutes of the Territory, shall be deemed valid in law; and any deed heretofore made by those officers, or by the courts themselves, in pursuance of law, and by virtue of an order, or decree of court, is hereby legalized." |
| 1 136 | Feb. 5, 1852  | An Act creating the office of Selectmen, and prescribing their duties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1 138 | Mar. 3, 1852  | An Act regulating the practise of the several Courts in Utah Territory in civil suits. Title to read "An act concerning stay of executions."                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1 138 | Feb. 18, 1852 | An Act for the Regulation of Attorneys.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1 140 | Mar. 3, 1852  | An Act in relation to Marshals and Attorneys. Sec. 1, for "four years" read "one year." Sec. 4, for "four years" read "one year." Sec. 5, omit "to keep his office at the seat of government."                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1 141 | Feb. 2, 1852  | An Act in relation to Habeas Corpus.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1 147 | Mar. 3, 1852  | An Act concerning Writs of Replevin.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1 149 | Mar. 3, 1852  | An Act in relation to the Estates of Decedents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1 154 | Mar. 3, 1852  | An Act defining what may be Trespass and Damage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1 156 | Feb. 7, 1852  | An Act concerning Masters and Apprentices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1 158 | Feb. 6, 1852  | An Act in relation to Minors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1 159 | Feb. 3, 1852  | An Act in relation to Guardians.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1 160 | Feb. 4, 1852  | An Act in relation to Service.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1 162 | Mar. 6, 1852  | An Act in relation to Bills of Divorce.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1 164 | Mar. 1, 1852  | An Act in relation to Marks and Brands. Sec. 1, for "four years" read "one year."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1 168 | Mar. 3, 1852  | An Act regulating the passing and meeting of Teams on the public highways. Sec. 3, strike out "at the discretion of the Court having jurisdiction in the case," and insert instead "not exceeding one hundred dollars."                                                                                                                                                                                                                                                                                                                                                                                |

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| 1168  | Mar. 3, 1852  | An Act to provide against disturbing Religious Meetings or Lawful Assemblies of the People. Strike out "five hundred" and insert "one hundred" instead; add "or both" after "months," and strike out "at the discretion of the court having jurisdiction."                                                                                                                                                                                                                                                                                                                                                       |
| 1169  | Mar. 3, 1852  | An Act in relation to Profanity and Drunkenness.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1169  | Mar. 3, 1852  | An Act concerning Notaries Public. Sec. 1, omit "both houses of," for "one notary public for each," read "two notaries public for Great Salt Lake county, and one for each other," for "two years" read "one year." Sec. 9 amended to read, "Notaries public may also take acknowledgments of deeds, wills, bonds, and are hereby authorized to administer oaths or affirmations in cases of affidavits, certificates, depositions, and all common business transactions; and the attestations of any notary public, authenticated under his hand and official seal, shall be proper evidence according to law." |
| 1171  | Mar. 7, 1852  | A Preamble and an Act for the further relief of Indian Slaves and Prisoners.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1174  | Mar. 3, 1852  | An Act in relation to the Assembling of Indians.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1174  | Mar. 3, 1852  | An Act to regulate Surveyors and Surveying.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1176  | Jan. 19, 1855 | An Act pertaining to the Duties of County Surveyors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1177  | Mar. 6, 1852  | An Act in relation to Utah Library. Sec. 2, for "two years" read "one year."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1179  | Jan. 20, 1852 | An Act to provide for the appointment of a Territorial Treasurer and Auditor of public accounts. Sec. 1, for "two years" read "one year." Add "Sec. 8. Vacancies may be filled by executive appointment in the foregoing, or any offices, when the mode of supplying vacancies is not prescribed by law."                                                                                                                                                                                                                                                                                                        |
| 1181  | Feb. 3, 1852  | An Act to create the office of a County Treasurer in each county of the Territory of Utah, and to define the duties thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1182  | Mar. 6, 1852  | An Act in relation to Crimes and Punishment. Sec. 28, strike out                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|       |               | <p>"one year" and insert "six months;" strike out "five hundred" and insert "one hundred." Strike out Sec. 31. In Sec. 52, add "or by fine not exceeding five hundred dollars, or both," after "ten years;" and strike out "two hundred" and insert "one hundred;" and strike out "one year" and insert "six months." In Sec. 101, strike out "one year" and insert "six months;" and strike out "three hundred" and insert "one hundred."</p>                          |
| 2457  | Jan. 21, 1853 | An Act regulating the Mode of Procedure in Criminal Cases. Sec. 10, amended to read, "Previous to swearing persons drawn or selected to serve as a petit jury, each party may challenge for cause to the number that either or both parties may be able to produce what to them seems to be good cause, the validity of said cause to be determined by the court, and each party may, as aforesaid, peremptorily challenge as many as six persons." Strike out Sec. 29. |
| 2206  | Mar. 3, 1852  | An Act providing for the bridging of Ditches or Sects leading across the highways.                                                                                                                                                                                                                                                                                                                                                                                      |
| 1222  | Feb. 5, 1852  | An Act in relation to the Inspection of Spirituous Liquors.                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1223  | Feb. 18, 1852 | An Act locating the County Seat of Davis county.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1224  | Oct. 4, 1851  | An Act to provide for the organization of Millard county, and to name the Seat of Government.                                                                                                                                                                                                                                                                                                                                                                           |
| 1227  | Feb. 5, 1852  | An Act granting Waters of Mill creek unto President Brigham Young.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1229  | Feb. 18, 1852 | An Act in relation to the Waters of American creek in Utah county.                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1232  | Jan. 3, 1853  | An Act regulating Elections. Sec. 16 repealed.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1234  | Jan. 13, 1853 | An Act to prevent the needless destruction of Fish.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1247  | Jan. 21, 1853 | An Act concerning certain Animals running at large.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1248  | Jan. 21, 1853 | An Act to incorporate the Great Salt Lake City Water Works Association.                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1250  | June 4, 1853  | An Act in relation to the assessment, collection and expenditure of a Tax for Road and other purposes within incorporated cities.                                                                                                                                                                                                                                                                                                                                       |
| 1252  | Jan. 7, 1854  | An Act prescribing the manner of ag-                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|       |       | <p> <i>sessing and collecting Territorial and County Taxes. Sec 3, first and sixth lines, for "one half per cent." read "one-half of one per cent." Sec. 6, for "March" read "June." Sec. 9, for "March" read "June;" omit "and the rate per cent. requisite for the yearly county revenue;" after "determined" insert "except in such cases as herein provided for in Sec. 22 of this act." Sec. 10, for "March" read "June." Sec. "10" to be numbered "11." Sec. 10 to read, "The county courts may, at any regular or special term of their court, fix the rate per cent. of taxes for the current year, and shall furnish the assessor and collector, as soon as practicable after his appointment and qualification, with a tax list, as now provided in the 7th section of this act, who is hereby authorized to collect, at any time thereafter, the tax due on all property that is intended to be removed from the county previous to the usual time of collection." Secs. "11" to "20" to be numbered accordingly. Omit Sec. 21. Insert "Sec. 22. Any person feeling aggrieved at the assessment made by the assessor or his deputy, and being desirous to remove his property from the county, before the proper time for adjudication of such cases, as by law provided, may give notice to the Probate judge of said county, who shall immediately cause a special term (if required) of the court to be held, and shall adjudicate all such cases as may be presented." "Sec. 23. That all funds collected by assessors and collectors shall be paid over to the respective Territorial or County Treasurer in the kind collected." "Sec. 24. The assessors and collectors, in their respective counties, shall establish an office at the county seat; and shall give public notice of the time and place that they will be in attendance to receive taxes. It shall be the duty of every person owing taxes to pay the same</i> </p> |

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|       |               | at the office of the assessor and collector, by the first day of September, in accordance with said notice, or sooner, if required by the collector; and for a failure to do so, shall be liable to pay five per cent. on the amount of tax due, to defray the additional expenses of collecting."                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1 258 | Jan. 10, 1855 | An Act relating to the United States Courts for the Territory of Utah is hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 1 259 | Jan. 13, 1854 | An Act defining the boundaries and for the Organization of Great River and Summit counties, and defining the eastern boundary of Davis county.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1 260 | Jan. 14, 1854 | An Act containing provisions applicable to the Laws of the Territory of Utah.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1 261 | Jan. 17, 1854 | An Act relating to Sheriffs and Constables.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1 262 | Jan. 18, 1854 | An Act regulating Herdsmen, Herding, Herdgrounds and the driving of animals. Sec. "8" number "9." Sec. 8 to read "In case that any herd shall be found upon the range in the neighborhood or vicinity of any settlement in this Territory, encroaching or intruding upon the range necessary for the animals of such settlement, and the owner of such herd shall refuse or neglect to remove the same, when required so to do by a selectman of the proper county, the County court of such county is hereby authorized, at the expense of the owner of such herd, to cause the same to be removed to some more distant locality, beyond the limits of the summer and winter range or hay grounds, necessary for the support of the stock of that or any other settlement." |
| 1 264 | Jan. 19, 1854 | An Act specifying the time when Acts and Resolutions begin to be in force and making them equally valid.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1 265 | Jan. 19, 1854 | Preamble and Act in relation to the construction of a Canal from Utah Lake to Great Salt Lake.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1 266 | Jan. 20, 1854 | An Act providing for the Management of Certain Property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1 267 | Jan. 20, 1854 | An Act concerning Ferries and Bridges on Weber and Bear river, east of the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| 1 268           | Jan. 18, 1855 | main range of the Wahsatch mountains. Sec. 3 repealed.<br>An Act concerning Transfer of Land Claims and other property. Omit Sec. 5.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1 271           | Jan. 19, 1855 | An Act in relation to County Recorders and the acknowledgment of instruments of writing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1 275           | Jan. 19, 1855 | An Act appropriating Money for Educational Purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1 277           | Jan. 15, 1855 | An Act incorporating Cottonwood Canal Company.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1 287           | Dec. 30, 1854 | An Act relating to Common Schools. Sec. 1, for "November" read "December." Sec. 4, after "fuel required," remainder of section repealed. Sec. 5, after "signed by the board," remainder of section repealed. Sec. 7, for "board of examiners of common schools, as above directed," read "county superintendent." Omit Sec. 8.                                                                                                                                                                                                                                       |
| INCORPORATIONS. |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1 300           | Feb. 10, 1852 | An Act to incorporate Cedar city, in Iron county, Utah Territory. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made, in such manner, as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in the 18th line. |
| 1 307           | Feb. 5, 1852  | An Act to incorporate the city of Lehi. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns                                                                                                                                                                                             |

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|       |               |           | thereof made, in such manner, as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in the 18th line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1314  | Feb. 13, 1852 |           | An Act to incorporate Fillmore city, Millard county. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made, in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in 18th line.                                                                                                                                                                                                                                                              |
| 1321  | Mar. 6, 1852  |           | An Act incorporating Nephi city. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of of the city council." Sec. 10, strike out all after the word "thereof" in 12th line. Sec. 13, strike out the word "municipal" in 7th line, and the four following lines to "Probate." Strike out the word "provided" in the 13th line to the end of the section. Sec. 14 is stricken out. Sec. "15" to be "14," and strike out the last nine words of said section. |
| 1325  | Feb. 13, 1852 |           | An Act to incorporate the city of Springville. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 1 332 | Jan. 21, 1853 | <p>shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in 18th line.</p> <p>An Act to incorporate the city of Payson. Sec. 1 amended to read, "Be it enacted by the Governor and Legislative Assembly of the Territory of Utah. That all that district of country embraced in the following boundaries, to wit, commencing at a point on the shore of the Utah lake due west from the centre of the Public Square of Payson, situated on Peteetneet creek, in Utah county; thence south one mile; thence east to the mountains; thence along the base of said mountains to a spring known as Goosenest spring; thence northerly to a point whence the bridge crosses the Pond Town slough; thence down said slough to Duck creek; thence west to Peteetneet creek; thence down the main channel of said creek to Utah lake; and thence south to the place of beginning; shall be known and designated as Payson; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure." Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in 17th line.</p> |
| 1 339 | Jan. 13, 1853 | <p>An Act to incorporate Tooele city, in Tooele county. Sec. 3, "five councilors" to read "three councilors."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## ELEVENTH SESSION.

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|       |       |               | Sec. 5, "five councilors" to read "three councilors." Sec. 10, strike out all after the word "thereof" in 17th line. Sec. 14, strike out the word "municipal" in 7th line, and the four following lines, also the word "Provided" in the 13th line, to the end of the section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1     | 350   | June 4, 1853  | An Act to incorporate Lake city, Utah county. In title for "Lake city" read "American Fork city." Sec. 1, for "thence west two miles, thence south to Utah Lake," read "thence west to eastern boundary line of Lehi city; thence south along said line to Utah lake." For "Lake city," read "American Fork city." Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the City Council." Sec. 10, strike out all after the word "thereof" in the 17th line. Sec. 46, for "Lake city," read "American Fork city." |
| 1     | 358   | Jan. 19, 1855 | An Act to incorporate Pleasant Grove city. Sec. 3, "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in the 18th line.                                                                                                                                                                                                                                                                                                                                  |
| 1     | 365   | Jan. 19, 1855 | An Act to incorporate Spanish Fork city. Sec. 1, amended to read: "Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all the district of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|       |       |           | <p>Utah county embraced in the following boundaries, to wit: beginning at the mouth of Water kanyon; thence west thirty-seven degrees, north to a stake known as "Station 1," in J. C. Snow's survey of said line; thence west three degrees south to the center of Pond Town sloughs; thence down said sloughs to Duck creek; thence west to Peteetheet creek; thence down the main channel of said creek to Utah lake; thence north-easterly, along the shore of said lake, to a point from which a south-east line will strike the mouth of the main sect leading into plat D, Springville survey; thence on a line of said sect to where it intersects the big slough; thence to the north-east corner of Palmyra field; thence to the south-east corner of the present Springville survey; thence east to the mountains, thence south along the base of the mountains to the place of beginning, shall be known and designated as Spanish Fork city; and the inhabitants there of are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure" Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two aldermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in 17th line.</p> <p>1-372 Jan. 19, 1855 An Act to incorporate Alpine city, Utah county. Sec. 3, for "four aldermen and nine councilors" read "two aldermen and three councilors." Sec. 5, amended to read "An election for the election of one mayor, two al-</p> |

## ELEVENTH SESSION.

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|       |       |               | dermen and three councilors, shall be held on the second Monday of February, 1863, and every two years thereafter, and shall be held, conducted, and returns thereof made in such manner as shall be provided for by the ordinances of the city council." Sec. 10, strike out all after the word "thereof" in 18th line. |
| 2     | 4     | Dec. 28, 1855 | An Act granting unto the University of the State of Deseret certain land claims therein mentioned.                                                                                                                                                                                                                       |
| 2     | 5     | Dec. 28, 1855 | An Act appropriating Money for Educational purposes, and defining certain duties of the chancellor and board of regents of the University of the State of Deseret.                                                                                                                                                       |
| 2     | 14    | Jan. 12, 1856 | An Act prescribing the term of certain officers. Sec. 2, omit.                                                                                                                                                                                                                                                           |
| 2     | 35    | Jan. 17, 1856 | An Act incorporating the Deseret Agricultural and Manufacturing Society.                                                                                                                                                                                                                                                 |
| 2     | 38    | Jan. 12, 1856 | An Act amending, confirming, and legalizing an ordinance incorporating the Perpetual Emigrating Fund Company.                                                                                                                                                                                                            |
| 3     | 10    | Jan. 14, 1857 | An Act granting unto Brigham Young, sen., and Franklin D. Richards the control of waters from Mill creek, in Salt Lake county.                                                                                                                                                                                           |
| 3     | 16    | Jan. 14, 1857 | An Act in relation to Quarantine.                                                                                                                                                                                                                                                                                        |
| 3     | 16    | Jan. 14, 1857 | An Act creating the office of Sealer of Weights and Measures for the Territory of Utah.                                                                                                                                                                                                                                  |
| 3     | 18    | Jan. 14, 1857 | An Act granting unto John L. Butler and Aaron Johnson the right of water from Spanish Fork river, in Utah county. Sec. 2 omit.                                                                                                                                                                                           |
| 3     | 21    | Jan. 14, 1857 | An Act concerning Partnerships. Sec. 4 omit.                                                                                                                                                                                                                                                                             |
| 3     | 29    |               | Organization of the Militia of Utah.                                                                                                                                                                                                                                                                                     |
| 4     | 4     | Jan. 21, 1859 | An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote, or serve as a juror. Sec. 7 omit.                                                                                                                                                                            |
| 4     | 5     | Jan. 21, 1859 | An Act defining who are exempt from serving on juries and prescribing the mode of procuring grand and petit jurors and juries for District Courts, and for other purposes. Sec. 14, strike out all between "whenever" in the third line, and "the" in the seventh line. Sec. 17 omit.                                    |

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|-------|-------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4     | 10    | Jan. 21, 1859 | An Act establishing the Salaries of certain Territorial Officers.                                                                                                                                                                                                                                                                                                      |
| 4     | 11    | Jan. 21, 1859 | An Act concerning Costs and Fees of Courts, and for other purposes. Sec. 18, third line insert "done or," between "service" and "to," and strike out all between "office" in third line and "such" in seventh line.                                                                                                                                                    |
| 4     | 21    | Jan. 21, 1859 | An Act to provide for the selection and location of a quantity of Land equal to two townships for the establishment of a University.                                                                                                                                                                                                                                   |
| 4     | 22    | Jan. 21, 1859 | An Act in relation to the entering of Public Lands.                                                                                                                                                                                                                                                                                                                    |
| 4     | 24    | Jan. 11, 1859 | An Act granting unto Joseph Young the right to establish and control Ferries on Bear river, also a bridge on the Malad. Omit Sec 6.                                                                                                                                                                                                                                    |
| 5     | 1     | Jan. 20, 1860 | An Act declaring certain things to be property, specifying the owner thereof, defining the mode for recovering its possession, and providing for redress of any grievances that may arise from proceedings under this act.                                                                                                                                             |
| 5     | 2     | Jan. 20, 1860 | An Act regulating the Manufacture, sale, or other disposal of intoxicating liquors. Sec. 1, strike out "for sale, or be allowed to" between the word "manufacture" in the fourth line, and "sell" in the fifth line. Sec. 9 omit.                                                                                                                                      |
| 5     | 4     | Jan. 20, 1860 | An Act in relation to the Penitentiary. Sec. 20 omit.                                                                                                                                                                                                                                                                                                                  |
| 5     | 7     | Jan. 20, 1860 | An Act incorporating Great Salt Lake City. Sec. 87, for "January 4th" read "June 4th."                                                                                                                                                                                                                                                                                 |
| 5     | 21    | Jan. 20, 1860 | An Act repealing certain acts and appropriating money to locate and open a road from Great Salt Lake City to the valley of the Weber. In title, omit "repealing certain acts and." Omit Sec. 1. Sec. 2 becomes Sec. 1. Read Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Territorial or State Road Commissioner." |
| 5     | 22    | Jan. 20, 1860 | An Act creating the office of County Superintendent of Common Schools, defining his duties, and further defining the duties of trustees and teach-                                                                                                                                                                                                                     |

# ELEVENTH SESSION.

| BOOK.        | PAGE.             | APPROVED.                                                                                                                                                                                                                                                                                                                        |
|--------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              |                   | ers; also amending an act relating to Common Schools, approved Dec. 30, 1854. In title, omit "also amending an act relating to Common Schools, approved Dec. 30, 1854." Sec. 7, omit what precedes "The county courts."                                                                                                          |
| 5            | 30 Jan. 20, 1860  | An Act repealing the Charters of Certain Road Companies, and for other purposes. Title to read "An Act concerning Provo Canyon Road." Omit Sec. 1. In Sec. 2, before "That exclusive control" read "Be it enacted by the Governor and Legislative Assembly of the Territory of Utah." Secs. 2, 3 and 4 to be numbered 1 2 and 3. |
| 5            | 33 Jan. 20, 1860  | An Act in relation to Territorial Revenue. Omit Sec. 2.                                                                                                                                                                                                                                                                          |
| RESOLUTIONS. |                   |                                                                                                                                                                                                                                                                                                                                  |
| 1            | 383 Oct. 4, 1851  | Joint Resolution legalizing the Laws of the Provisional Government of the State of Deseret.                                                                                                                                                                                                                                      |
| 1            | 390 March 6, 1852 | Resolution in relation to the Election of Twelve Selectmen or Referees.                                                                                                                                                                                                                                                          |
| 1            | 390 March 6, 1852 | Resolution relative to communications on Civil and Military Matters.                                                                                                                                                                                                                                                             |
| 1            | 393 June 4, 1853  | Resolution in relation to exemption of Property from Execution.                                                                                                                                                                                                                                                                  |
| 1            | 393 Jan. 14, 1854 | Resolution offering a reward for the discovery of a Coal Bed near Great Salt Lake City is hereby repealed                                                                                                                                                                                                                        |
| 1            | 393 Jan. 14, 1854 | Resolution exempting the Members of the Legislative Assembly of the Territory of Utah from arrest and summons, during the sitting of the Legislature, and while going to and from the same.                                                                                                                                      |
| 3            | 3 Dec. 15, 1856   | Resolutions changing the Seat of Government of Utah Territory, and the place of holding the Supreme Court therein. Omit last two paragraphs.                                                                                                                                                                                     |
| 3            | 7 Jan. 14, 1857   | Resolution in relation to Recorder of Marks and Brands.                                                                                                                                                                                                                                                                          |
| 3            | 12 Jan. 15, 1857  | Resolution creating the office of Superintendent of Meteorological Observations and appropriating money therefor.                                                                                                                                                                                                                |
| 4            | 31 Jan. 21, 1859  | Resolution in relation to notifying per-                                                                                                                                                                                                                                                                                         |

| BOOK. | PAGE.            | APPROVED.                                                                                                                                            |
|-------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
|       |                  | sons elected to office by joint vote of the Assembly.                                                                                                |
| 6     | 3 Dec. 18, 1860  | An Act assigning the Chief Justice and the two Associate Justices to the several Judicial Districts.                                                 |
| 6     | 4 Jan. 16, 1861  | An Act in relation to the Supreme Court.                                                                                                             |
| 6     | 5 Jan. 16, 1861  | An Act in relation to abatement in Civil Actions.                                                                                                    |
| 6     | 5 Jan. 16, 1861  | An Act in relation to Commitment and Bail.                                                                                                           |
| 6     | 12 Jan. 18, 1861 | An Act concerning arrests.                                                                                                                           |
| 6     | 13 Jan. 18, 1861 | An Act concerning Surveyors.                                                                                                                         |
| 6     | 14 Jan. 18, 1861 | An Act further defining the duties of the officers of the Penitentiary and for other purposes.                                                       |
| 6     | 16 Jan. 18, 1861 | An Act concerning the construction and protection of Electric Telegraph lines in the Territory of Utah.                                              |
| 6     | 18 Jan. 18, 1861 | An Act granting to Lewis Robison and Joshua Terry the right of building a toll bridge across Green river. In Sec. 1, fifth line, for 1862 read 1863. |
| 6     | 20 Jan. 18, 1861 | An Act incorporating Ogden city.                                                                                                                     |
| 6     | 36 Jan. 18, 1861 | An Act specifying the times and places of holding District Courts for the transaction of Territorial business.                                       |
| 6     | 36 Jan. 18, 1861 | An Act providing for appeals to the Supreme Courts.                                                                                                  |
| 6     | 38 Jan. 18, 1861 | An Act providing for the Organization of Summit county.                                                                                              |
| 6     | 39 Jan. 18, 1861 | An Act granting the City Council of Payson City the right of control of the waters of Spring creek.                                                  |
| 6     | 39 Jan. 18, 1861 | An Act authorizing and empowering the Secretary of the Territory to receive and collect fees in certain cases.                                       |

Sec. 3.—The Secretary of the Territory is hereby directed to publish two thousand copies of the laws of the Territory, with the amendments as set forth in the foregoing sections, omitting such as may be repealed during the present session of 1861-62, and John Jacques, Esq., is appointed to superintend the printing thereof, and to make full marginal notes, and a complete index to said laws, and shall be allowed three dollars per day for the time actually expended in said work; and the sum of one hundred and fifty dollars,

or so much thereof as may be necessary, is hereby appropriated out of the Territorial Treasury to defray the expenses of his services.

Approved Jan. 16, 1862.

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### TERRITORIAL APPROPRIATION BILL.

Jan. 17, 1862.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That there be paid out of any money in the Territorial Treasury, not otherwise appropriated, the following amounts:

To Alexander McRae, for services as Warden of the Utah Penitentiary for the year 1861, one hundred and seventy-six dollars and fourteen cents.

To Brigham Young and Feramorz Little, one-sixth part of the appropriation, in payment for making the road in Provo canyon, three thousand one hundred and sixty six dollars and twenty-seven cents.

To James A. Little, balance due for services as Warden of Utah Penitentiary, for the year ending January 31, 1862, payable on the certificate of the Directors that the service has been performed, two hundred and nineteen dollars and sixty-one cents.

To the Directors of the Utah Penitentiary for Penitentiary purposes for the ensuing year, or so much thereof as may be necessary, one thousand five hundred dollars.

To be expended under the supervision of the Territorial Road Commissioner in repairing the Sevier bridge, and to reimburse Juab County for material furnished and labor done in repairing said bridge, to the amount of \$22 50, one hundred and twenty-two dollars and fifty cents.

To H. S. Beattie, for services as clerk of the Directors and Warden of the Utah Penitentiary for the years 1860 61, one hundred dollars.

To Theodore McKean, for services as Territorial Road Commissioner, as per bill, three hundred and three dollars and fifty cents.

To Jesse W. Fox, for services surveying, as per bill rendered by Territorial Road Commissioner, thirty dollars.

To A. Williams, for services as per bill rendered by Territorial Road Commissioner, six dollars.

To E. Eldridge, for services as per bill rendered by Territorial Road Commissioner, two dollars.

To Alexander McRae, in full, for supplies furnished the Penitentiary during his term of office as Warden, fifty dollars.

To Theodore McKean, Territorial Road Commissioner, to cancel the amount expended on Weber bridge, one thousand one hundred and seventy-five dollars.

To Theodore McKean, Territorial Road Commissioner, to reimburse D. H. Wells, Esq., in part, for means expended on the Great Salt Lake City and Weber road, three thousand dollars.

To William Clayton, Auditor of Public Accounts, for stationery for the year 1862, thirty dollars.

To Jesse W. Fox, for services as Surveyor-General, three hundred dollars.

To Jesse W. Fox, for a proper secretary to contain the Territorial maps, charts, and papers in the Surveyor-General's office, one hundred dollars.

To Robert L. Campbell, for services engrossing laws of the present session, twelve dollars.

Amounts to be paid out of the sum already appropriated for Territorial incidental expenses, under the supervision of the Auditor of Public Accounts,

To Thomas Bullock, for services copying Journals, etc., for the Legislative Assembly of 1859-60 and 1860-61, one hundred and sixty-four dollars.

To John T. Caine, for recording minutes of the Legislative Council, session 1860-61, twenty days, at \$3 per day, sixty dollars.

To John T. Caine, for recording minutes of the Legislative Assembly, session 1859-60, eighteen days, at \$3 per day, fifty-four dollars.

To Thomas Bullock, for services as clerk to the compilation committee, and engrossing laws of present session, twenty-four dollars.

To John Jaques, for services as clerk of the compilation committee, and engrossing laws of present session, sixteen dollars.

Approved Jan. 17, 1862.

ELEVENTH SESSION.

AN ACT

7th 17, 1862.

*To Incorporate the City of St. George, in Washington County.*

Boundary.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That all that portion of country situate within the following boundaries, to wit: beginning at the first point of rocks below the mouth of the Santa Clara and on the west bank of the Rio Virgin, in the County of Washington; thence, running due west two and a half miles; thence, due north five miles; thence, due east five miles; thence, due south five miles; thence, due west two and a half miles to the place of beginning, shall be known and designated by the name of the "City of St. George," and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and may have and use a common seal, which they may change and alter at pleasure

Powers.

Sec. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold real property beyond the city, for burying-grounds or other public purposes, for the use of the inhabitants of said city; to sell; lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Officers.

Sec. 3. There shall be a City Council, to consist of a Mayor, two Aldermen and three Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The Mayor, Aldermen and Councilors, be-

fore entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States and the laws of this Territory, and that they will well and truly perform all the duties of their offices to the best of their skill and abilities.

Oath.

Sec. 5. One Mayor, two Aldermen and three Councilors shall be elected biennially; and the first election under this act shall be at such time and place as the Probate Judge of Washington County shall direct: Provided, said election shall be on or before the first Monday in August next. Said election shall be held and conducted as is now provided by law for the holding of elections for County and Territorial officers; and, at the said first election, all free white male residents, over twenty-one years of age, within said city limits, shall be entitled to vote.

Elections.

Sec. 6. The clerks of election shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified shall, within ten days after the election, take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City Council.

Notices.

Sec. 7. The City Council shall have authority to levy and collect taxes, for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Taxes.

Sec. 8. The City Council shall have power to appoint a Recorder, Treasurer, Assessor and Collector, Marshal, and Supervisor of Streets. They shall also have the power to appoint all such other officers by ordinance as may be necessary, define the duties of all city officers, and remove them from office at pleasure.

Appointments.

Sec. 9. The City Council shall have power to require of all officers, appointed in pursuance of this act, bonds with security for the faithful performance of

Bonds.

their respective duties, and also to require of all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

**Ordinances.**

Sec. 10. The City Council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or the laws of this Territory; as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof, and shall have control of the waters of the Santa Clara: Provided, that such control shall not be exercised to the injury of any rights already acquired by actual settlers thereon, and shall have control of the water-courses and mill privileges within said city. They shall have power to fill all vacancies that may happen by death, resignation or removal in any of the offices herein made elective; to fix and establish the fees of the officers of said corporation; to impose such fines, not exceeding one hundred dollars, and imprisonment not exceeding six months, for each offence, for the breach or violation of any city ordinance; to divide the city into wards, and specify the boundaries thereof.

**Publication.**

Sec. 11. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in three of the most public places in the city.

**Proof.**

Sec. 12. All ordinances of the city may be proven by the seal of the corporation; and, when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

**Jurisdiction.**

Sec. 13. The Mayor and Aldermen shall have all the powers of Justices of the Peace, both in civil and criminal cases arising under the laws of the Territory. They shall, as Justices of the Peace within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and securities as other Justices of the Peace in and for said city, and be commissioned by the Governor.

Sec. 14. The Mayor and Aldermen shall have ex-

clusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the ordinances of said city, to the Probate Court of Washington County, in the same manner as appeals are, or may be taken from Justices of the Peace.

Appeals.

Sec. 15. This act shall be in force on and after the tenth day of February, 1862, and may be amended or repealed at the pleasure of the Legislative Assembly.

Approved Jan. 17, 1862.

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### AN ACT

*Locating the County Seat of Summit County.*

Jan. 17, 1862.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the county seat for Summit County be, and is hereby located at Wanship, near the mouth of Silver Creek in said county.

Approved Jan. 17, 1862.

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### AN ACT

*In relation to the manner of Assessing and Collecting Territorial Taxes.*

Jan. 17, 1862.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the time required for the completion of the assessment of property be the first Monday of April instead of the first Monday of June as now provided in section one of an act approved January 21, 1859.

Approved Jan. 17, 1862.

## AN ACT

Jan. 17, 1862. *To Modify the Charters of Great Salt Lake and Ogden Cities.*

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the twenty-ninth and fifty-seventh sections of "An act to incorporate Great Salt Lake City," approved January 20, 1860, and so much of the forty-ninth section of "An act to incorporate Ogden City," approved January 18, 1861, as relates to the impounding of estray cattle, horses, and mules, are hereby repealed.

Approved Jan. 17, 1862.

## AN ACT

Jan. 17, 1862. *Assuming the Quota of the Direct Tax Apportioned to the Territory of Utah by Act of Congress, approved Aug. 5, 1861.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the said Territory does hereby assume the direct tax apportioned to said Territory, agreeably to an act of Congress, entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved Aug. 5, 1861, and that the Governor of the Territory so notify the Secretary of the Treasury of the United States, on or before the second day of February next.

Approved Jan. 17, 1862.

## AN ACT

Jan. 17, 1862. *Defining the Judicial Districts for the United States Courts in the Territory of Utah.*

1st District.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the First Judicial District shall embrace and be composed of the counties of Millard, Sanpete, Juab, Utah and Wasatch.

2d District.

Sec. 2. The Second Judicial District shall embrace

and be composed of the counties of Washington, Iron and Beaver.

Sec. 3. The Third Judicial District shall embrace <sup>3d District.</sup> and be composed of the counties of Great Salt Lake, Tooele, Summit, Green river, Davis, Weber, Box Elder, Morgan and Cache.

Sec. 4. That "An act defining the Three Judicial Districts for the District Courts in the Territory of Utah, approved January 21, 1859, is hereby repealed.

Approved Jan. 17, 1862.

### AN ACT

*Appointing a Superintendent for the Provo Canyon Road, and Specifying the rate of Toll to be Collected thereon.* Jan. 17, 1862.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the control of the Provo Canyon road, and the duties required of the County Court of Utah County in relation thereto, by the second section of "An act repealing the charters of certain road companies, and for other purposes," approved January 20, 1860, shall hereafter be discharged by a Superintendent of said road, who shall be elected by the joint vote of the Legislative Assembly during its present session, and annually thereafter, and shall qualify by giving bonds to the Territory, in the sum of three thousand dollars, with securities, to be approved by the Auditor of Public Accounts, and filed in his office, which bond shall be for the use of any person aggrieved. <sup>Superintendent</sup>

Sec. 2. The rates of toll, on said Provo Canyon road, shall be as follows: <sup>Rates</sup>

|                                       |        |
|---------------------------------------|--------|
| For each vehicle drawn by two animals | \$0 50 |
| " " four "                            | 1 00   |
| " " six or more animals               | 1 50   |
| " head of loose cattle, horse or mule | 10     |
| " " sheep, goats or swine             | 01     |
| " man and animal                      | 10     |
| " additional horse or mule            | 10     |

Provided that teams passing up or down said canyon, without any loading, shall not be taxed more than

50

Jan. 17, 1862.

## AN ACT

Jan. 17, 1882. *To Regulate Fisheries, and to Prohibit Fish Traps and other Contrivances for Catching Fish in the River Jordan.*

Control of fish-  
eries.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the County Courts of the several counties are hereby authorized to control all fisheries in their respective counties, to permit, regulate, license, restrain, or cause to be removed, any and all fish traps, or other contrivances for catching fish in any and all the rivers and streams of this Territory, excepting only the river Jordan, which shall, from and after the passage of this act, be kept open and free from all traps and other contrivances for catching fish which would block up, or turn the main current of the stream into any other channel for the purpose of preventing the free migration of fish down said river Jordan.

Petition.

Sec. 2. It shall be the duty of any person or persons wishing to erect a fish trap or other contrivance for catching fish, which would tend to hinder the free migration of fish in any of the rivers or streams of this Territory, to petition the County Court of the County in which such fish trap or other contrivance for catching fish is designed to be erected or placed, giving at least thirty days' notice of their intention to make such application by posting up notices in three public places in said county, or, by advertising for three consecutive weeks in some newspaper printed in this Territory. On such application being made, the County Court may grant a license to the party or parties so applying: Provided, that such grant does not interfere with the rights and privileges of any other citizen, or tend to the needless destruction of fish, and, provided further, that the river Jordan shall be exempt from the control of all the County Courts.

License.

Penalty.

Sec. 3. All persons now owning fish traps or other contrivances for catching fish, which have been heretofore placed in any of the rivers or streams in this Territory, shall remove the same within thirty days after the passage of this act, under penalty of fine not exceeding one thousand dollars, excepting said person or persons owning such fish trap or other contrivance for catching fish, shall obtain from the County Court of

the county in which the same is located, the right to continue the same.

Sec. 4. Any person or persons violating the provisions of this act shall be liable to a fine not less than five nor more than one hundred dollars for each offence, to be collected before any court having jurisdiction, and all such fines, when collected, shall be paid into the County Treasury.

Fine.

Sec. 5. That an act, entitled "An act to prevent the needless destruction of fish," approved January 13, 1853, is hereby repealed.

Approved Jan. 17, 1862.

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### GENERAL APPROPRIATION BILL.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That there shall be appropriated, out of the moneys appropriated by Congress to defray the Legislative expenses in the Territory of the present Legislative Assembly, to wit:

Jan 17, 1862.

For mileage of the members of the Council, three hundred and thirty-three dollars.

For mileage of the members of the House of Representatives, five hundred and thirty-five dollars and fifty cents.

For per diem of the members of the Council, one thousand five hundred and sixty dollars.

For per diem of the members of the House of Representatives, three thousand dollars.

For per diem of officers of the Council, eight hundred and forty dollars.

For per diem of officers of the House of Representatives, eight hundred and forty dollars.

For public printing, eight thousand dollars.

For incidental expenses, four thousand two hundred and fifty dollars.

For rent of the Great Salt Lake County Court House for the use of the Legislative Assembly, from Dec. 9, 1861, to January 17, 1862, four hundred dollars.

Approved Jan. 17, 1862.

## AN ACT

*Assigning the Chief-Justice and Two Associate Justices to their Several Districts.*

Jan. 17, 1862.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the Hon. John F. Kinney, Chief-Justice, is hereby assigned to the Third Judicial District; the Hon. Robert P. Flen-niken, Associate Justice, to the Second Judicial Dis-trict; and the Hon. Henry R. Crosby, Associate Jus-tice, to the First Judicial District; and that "An act assigning the Chief-Justice and the two Associate Justices to the several Judicial Districts," approved December 18th, 1860, is hereby repealed.

Approved Jan. 17, 1862.

## AN ACT

*Spec'ifying the Times and Places of Holding District Courts for the Transaction of Territorial Business.*

Jan. 17, 1862.

Sec. 1. Be it enacted by the Governor and Legis-lative Assembly of the Territory of Utah, That the times and places for holding the District Courts, for the transaction of Territorial business, shall be as follows: in the First Judicial District, in Manti, Sanpete County, on the first Monday in June of each year; in the Second Judicial District, in Washington, Washington County, on the third Monday in May in each year; and, in the Third Judicial District, in Great Salt Lake City, in Great Salt Lake County, on the second Monday in March of each year; and that an act, entitled "An act specifying the times and places of holding Districts Courts for the transaction of Territorial business," approved January 18th, 1861, is hereby repealed.

Approved Jan. 17, 1862.

## AN ACT

*In relation to Territorial, County and City Taxes.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the Territorial Tax shall hereafter be one per centum per annum, two-thirds of which tax shall be paid in gold and silver coin. Jan. 17, 1862.

Sec. 2. That hereafter no county or incorporate city shall levy, assess or collect any tax for any purpose whatever, except the poll tax, authorized to be levied by the County Courts, by an act passed during this session of the Legislative Assembly.

Sec. 3. All laws and parts of laws conflicting with the provisions of this act are hereby repealed.

Approved Jan. 17, 1862.

## AN ACT

*Apportioning the Representation of Utah Territory.*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That at the general election for eighteen hundred and sixty-two, and yearly thereafter, Washington County shall elect one Representative to the Legislative Assembly; Iron County, one; Beaver County, one; Millard County, one; Juab County, one; Sanpete County, two; Utah County, three; Wasatch County, one; Summit and Green River Counties, one; Great Salt County, six; Tooele County, one; Davis and Morgan Counties, two; Weber County, two; Box Elder County, one, and Cache County, two. Jan. 17, 1862.

Sec. 2. At the general election in eighteen hundred and sixty-three, and biennially thereafter, Washington County shall elect one Councilor to the Legislative Assembly; Iron and Beaver Counties, one; Millard and Juab Counties, one; Sanpete County, one; Utah and Wasatch Counties, two; Great Salt Lake, Tooele, Summit and Green River Counties, four; Davis and Morgan Counties, one; Weber and Box Elder Counties, one, Representatives.  
County, one. Councilors.

Sec. 3. All laws or parts of laws conflicting with this Act are hereby repealed.  
Approved Jan. 17, 1862.

## AN ACT

*To Incorporate the Jordan Irrigation Company.*

Jan. 17, 1862.

Corporators.

Powers.

Rights.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That Brigham Young, sen., Daniel H. Wells, George A. Smith, Alonzo H. Raleigh, Thomas Box, George B. Wallace, Enoch Reese, Jesse W. Fox, and Wilford Woodruff, with their associates and successors, be, and the same are hereby made and constituted a body corporate, for the purposes hereinafter specified, under the name and title of "The Jordan Irrigation Company," and by that name and title they and their successors shall have succession from and after the passage of this act, during the pleasure of the Legislature, with power to contract, and be contracted with, to be and be sued in all actions at law and in equity, in any court having competent jurisdiction; to purchase and hold personal property and real estate; to sell and transfer the same, and to do and perform any and all other acts in their corporate name, that any individual can, or has a lawful right to do; to make and use a common seal, and to alter the same at pleasure; and to do all other acts necessary for the proper exercise of the powers conferred, and the regulation of the privileges granted in this act.

Sec. 2. The aforesaid company shall have the right and privilege, and the same are hereby conferred, to erect and construct a dam or dams across the Jordan river, and take out the waters on both sides thereof, at a point about half a mile above the bridge, across said river, on North Temple street, in Great Salt Lake City, and conduct the same in a suitable canal or canals, on the most practicable route or routes, in said city and Great Salt Lake County, as far as it may be necessary or expedient, to water or irrigate lands: Provided, said company be held responsible for any damage done thereby.

Sec. 3. The company shall have the entire control and management of all the waters thus taken out, and may use the same for the irrigation of lands, for mills and machinery of any kind, and all other lawful purposes whatsoever, may sell, lease, and dispose of the same, or any portion thereof, for any or all of the above purposes, on such terms and conditions as the parties may agree, and may levy and collect a per centage on all lands benefited by said waters, or by the construction of the dam belonging to said company.

Prerogative.

Sec. 4. The company shall also have the right and privilege to sell and dispose of stock, in shares of twenty-five dollars each, to enable the company to prosecute the work, and to make such improvements with the same as may be deemed of advantage or profit, for the purposes herein specified. The company may sell stock to the amount of fifty thousand dollars. Each stockholder shall be entitled to one vote for every share paid in, at all meetings of business requiring a vote, and at all general and special election of officers of the company: Provided, always, that each absentee shall have the right to vote by proxy in writing. Certificates of stock shall be issued by the directors of the company to those who have paid for shares or half shares, and shall be signed by the Secretary. The same may be transferred by registering the transfer on the company's books, otherwise no transfer of stock shall be deemed valid.

Privileges.

Sec. 5. The officers of this company shall consist of a President, Secretary, Treasurer, and five Directors, whose term of office shall be two years from the date of their election, and until their successors shall be duly elected and qualified. They shall take the oath of office to faithfully discharge the duties thereof, and shall file bonds of two thousand dollars each, with approved security in the office of the Clerk of the Probate Court of the County of Great Salt Lake, which bonds shall be for the use of any person aggrieved, and shall annually present to the Stockholders a just, true and accurate balance-sheet, showing the receipts and expenditures of money and property, with a clear and explicit statement of the entire financial condition, circumstances, and standing of the company in a plain, legible style.

Officers.

And public notice being given, the aforesaid

company are hereby authorized to hold a meeting on the fourth Monday of January, one thousand eight hundred and sixty-two, to elect persons to the aforesaid offices; and every two years thereafter, it shall be the duty of the board of officers then acting, to call, by public notice, a similar meeting for the same purpose.

**Vacancy.** Sec. 7. Whenever a vacancy occurs in the offices, by death, inability, removal from the Territory, resignation, or any other cause, the remaining members of the board may fill such vacancy, by appointment, until the next election.

**Regulations.** Sec. 8. The board of officers are hereby authorized and empowered to make and ordain all necessary by-laws and regulations for the internal policy of the company, and to carry out the spirit and design of this charter in good faith and virtue: Provided, that none conflict with the Constitution and laws of the United States or the laws of this Territory: and, provided also, that any by-law or ordinance may be vetoed by a vote of two-thirds of the legal voters of the company.

**Vetoes.**  
Approved Jan. 17, 1862.

## AN ACT

*Defining the Boundaries of Counties, and for other Purposes.*

Jan. 17, 1862.

**Washington.** Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That all that portion of the Territory bounded south by latitude 37° north, west by Nevada Territory, north by a line running due east, and west through a point four miles due north from the northeast corner of Fort Harmony, and east by the thirty-second meridian west from Washington City, is hereby made and named Washington County: Provided, that such portions of Big Pinto Creek, and the lands drained by it, as are south of the aforesaid due east and west line four miles north of Fort Harmony, are hereby included in Iron County.

**Iron.** Sec. 2. All that portion of the Territory bounded south by Washington County, west by Nevada Territory, north by a due east and west line, crossing the military road on the summit of the ridge dividing Little Salt Lake and Upper Beaver Valleys, and the

thirty-second meridian west from Washington City, together with the region included in the proviso in Section one, is hereby made and named Iron County.

Sec. 3. All that portion of the Territory, bounded south by Iron County, west by Nevada Territory, north by a line running due east and west through a point two miles due south from the south side of Wildin's Fort on Cove Creek, and east by the thirty-second meridian west from Washington City, is hereby made and named Beaver County.

Beaver.

Sec. 4. All that portion of the Territory, bounded south by Beaver County, west by Nevada Territory, and east and north by the summit of the mountains between Pauvan valley and Sevier river, following said summit east of the lake in Round valley and north of said valley to its intersection with the summit of the mountain range west of said valley, thence northerly on the last named summit to its intersection with Sevier river, thence due north across said river to a point one-half mile north of its north or right bank, thence west to Nevada Territory, is hereby made and named Millard County.

Millard.

Sec. 5. All that portion of the Territory, bounded south by Beaver County, west by a line running due north from the summit of the range of mountains north of Round valley, through a point three miles due west of the mouth of Sanpete Creek until it intersects the range of mountains east of Juab valley, thence along the summit of the last named range, until it intersects the summit of the range between the waters of Spanish Fork Creek and Sanpete valley, north by the summit of the last named range until it intersects Green river, thence by a line drawn due east from said intersection to the thirty-second meridian west from Washington city, and east by said meridian, is hereby made and named Sanpete County.

Sanpete.

Sec. 6. All that portion of the Territory, bounded south by Millard County, west by a line drawn due north from the north line of Millard County to the most western peak in the range of mountains between Tintic valley and Meadow Creek, thence along the summit of said range to its intersection with the range between Tintic and Rush valleys, north by the summit of the range between Tintic and Rush valleys and the range between Tintic valley and Cedar

Juab.

and Goshen valleys and the summit of the range between Goshen and Juab valleys and the summit of the high ground and range between Utah and Juab valleys, and east by Sanpete County, is hereby made and named Juab County.

Utah.

Sec. 7. All that portion of the Territory, bounded south by Juab County and Sanpete County, west by the summit of the range between Cedar and Rush valleys, north by the summit of the cross range between the Oquir and Wasatch mountains, east by the summit of the range passing around the head of Dry American Fork, Battle, Hobble, and Spanish Fork creeks and a line drawn due north and south across Provo river, at a point one-fourth of a mile above the mouth of north Fork or Deer Creek of said river, to intersect at each extremity of said line the summit of the last named range, is hereby made and named Utah County.

Wasatch.

Sec. 8. All that portion of the Territory, bounded south by Utah and Sanpete counties, west by Utah and Great Salt Lake counties, north by the summit of the range of mountains south of the head waters of East kanyon and Silver Creek and a line running easterly from a point in said summit to and across Provo river, where it passes through the kanyon above Melville, Ross' ranche, and along the left bank of said river to its head waters, thence easterly to the summit of the range of mountains north of Uinta valley, thence along the last named summit and south of Brown's Hole, to the thirty-second meridian west from Washington city, and east by said meridian, is hereby made and named Wasatch County; and the Probate Judge of said county, when elected, shall, as soon as practicable, organize said county, and locate its county seat.

Great Salt Lake.

Sec. 9. All that portion of Territory, bounded south by Utah County, west by the summit of the range of mountains between Great Salt Lake and Tooele valleys and a line running from the northern termination of said summit through Black Rock on the south shore of Great Salt Lake, north by the shore of said lake, easterly to the mouth of Jordan river, thence by the center of the channel of said river to a point due west from the Hot Springs north of Great Salt Lake city, thence by a line running due east to said Hot Springs, thence by the summit of the Spur range, and ending at said Hot Springs, to its intersection w

of the Wasatch mountains, and east by the summit of said mountains, is hereby made and named Great Salt Lake County.

Sec. 10. All that portion of Territory, bounded south by Great Salt Lake County, west by the eastern shore of Great Salt Lake, north by a line running due east from a point in said shore to a point in the center of the channel of Weber river due north from the northwest corner of Kingston's Fort, thence up the center of said channel to the center of the lower kanyon of said river, and east by the summit of the Wasatch mountains, is hereby made and named Davis County.

Davis.

Sec. 11. All that portion of the Territory, bounded south by Davis County, west by the eastern shore of Great Salt Lake, north by a line drawn due east from a point in said shore to the Hot Springs by the Territorial road north of Ogden city, thence by the summit of the Spur range, terminating at said Hot Springs, to its intersection with the summit of the Wasatch mountains, east by the summit of said mountains passing around the head waters of Ogden river, is hereby made and named Weber County.

Weber.

Sec. 12. All that portion of the Territory, bounded south by Weber County, thence by a line coincident with the shore of Great Salt Lake, following said shore around the head of Bear River Bay, Promontory Point, the north end of said Lake, and then southeasterly to a point where it is intersected by latitude forty-one degrees north, thence by said latitude to the summit of Pilot Peak, thence due south thirty minutes of latitude, thence by latitude forty degrees thirty minutes north, west by Nevada Territory, north by latitude forty-two degrees, and east by the summit of the range of mountains east of Malad valley, crossing Bear river at the center of its lower kanyon, and thence southerly along the summit of the Wasatch mountains and passing around the head waters of Box Elder and Willow creeks, is hereby made and named Box Elder County.

Box Elder.

Sec. 13. All that portion of the Territory, bounded south by Juab and Millard counties, west by Nevada Territory, north by Box Elder County, and east by the west and south shores of Great Salt Lake and Great Salt Lake and Utah counties, is hereby made and named Tooele County.

Tooele.

Sec. 14. All that portion of the Territory, bounded south by Box Elder County, west by Great Salt Lake

**Summit.** County, north by the summit of the range of mountains forming the upper canyon of East Canyon Creek, thence northerly along the summit of the range between said creek and Weber river, thence across said river to and along the summit of the highland between Pumbor or Lost and Echo canyon creeks, thence to and along the summit next north of Yellow Creek to Bear river, thence easterly across said river to the summit of the divide between Bear river and tributaries of Green river, and east by the summit of said range, is hereby made and named Summit County

**Morgan.** Sec. 15. All that portion of the Territory, bounded south and east by Summit County, west by Great Salt Lake, Davis and Weber counties, and north by Weber County and a line running from a point in the eastern boundary of Weber County nearest the most eastern head waters of Ogden river along the summit of highlands or range passing around the head waters of Pumbor or Lost creek, easterly to the point where the north boundary of Summit County crosses Bear river, is hereby made and named Morgan County, and the Probate Judge of said county, when elected, shall, as soon as practicable, organize said County, and locate its county seat.

**Cache.** Sec. 16. All that portion of the Territory, bounded south by Summit, Morgan, Weber and Box Elder counties, west by Box Elder County, north by latitude forty-two degrees north, and east by the summit of the divide between the waters of Bear river and tributaries of Green river, is hereby made and named Cache County.

**Green River.** Sec. 17. All that portion of the Territory, bounded south by Wasatch County, west by Summit and Cache counties, north by latitude forty-two degrees north, and east by the thirty-second meridian west from Washington city, is hereby made and named Green River County.

**Islands.** Sec. 18. All the Islands in Great Salt Lake are hereby attached to Great Salt Lake County for election, revenue and judicial purposes; and judicial jurisdiction of all acts and transactions done or entered into on the waters of Great Salt Lake and on so much of its beach as is not included in any county, is hereby given to Great Salt Lake County and the judicial district to which said county at the time belongs.

Sec. 19. When any uncertainty or dispute arises as to what county an act or transaction has transpired in, either of the counties in which it is fairly presumable such act or transaction has occurred, is hereby authorized to have jurisdiction in the case.

Jurisdiction.

Sec. 20. The Hon. Zerubbabel Snow, who is the last Probate Judge of what was Cedar County, is hereby required, at the earliest practicable date, to deliver or cause to be delivered to the Probate Judge of Utah County, the seal and all the books, records, documents and other papers pertaining to the Probate and County Courts of said late county; and the administrator upon the estate of Luke Johnson, deceased, late and last Probate Judge of what was Shambip County, is hereby required, at the earliest practicable date, to deliver or cause to be delivered to the Probate Judge of Tooele County, the seal and all the books, records, documents and other papers pertaining to the Probate and County Courts of said late county.

Trans'er.

Sec. 21. All judicial proceedings pending in any county previous to the publication of this Act, are hereby continued in full force and virtue, and shall be adjudicated and determined in the county in which they are included by the passage of this Act.

Proceedings  
pending.

Sec. 22. All laws and parts of laws conflicting with this Act, are hereby repealed.

Approved Jan. 17, 1862.

## RESOLUTION

### *Concerning the Printing of the Journals.*

Be it resolved by the Governor and Legislative Assembly, of the Territory of Utah, That the Public Printer for the Legislative Assembly is hereby authorized and required to print and publish, in pamphlet form, five hundred copies of the Journals of this the Eleventh Annual Session of the Legislative Assembly, including the Governor's Messages and Proclamations, and the Territorial Auditor's and Treasurer's reports.

Dec. 2, 1861.

Approved Dec. 23, 1861.

## RESOLUTION

*In Relation to a Final Settlement with Daniel Carn, ex-Warden of the Utah Penitentiary.*

Jan. 16, 1862.

Whereas, Daniel Carn has proposed to accept the claims against the United States incurred by keeping the United States convicts in the Utah Penitentiary, during his wardenship, in full of his demands against the Territory of Utah; Therefore,

Settlement.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That whatever is or may be allowed and paid by the United States for keeping United States convicts, during the administration of ex-Warden, Daniel Carn, be, and the same hereby is, appropriated in payment in full of all demands of said Daniel Carn against the Territory of Utah.

And, be it further resolved, That said Daniel Carn is hereby authorized to collect and apply all such money to his own use: Provided, no expense shall accrue to the Territory in relation thereto.

Approved Jan. 16, 1862.

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## RESOLUTION

*Relating to the Publishing of the Laws and Distribution of the Laws and Journals of the present Session.*

Jan. 17, 1862.

Publication.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the Public Printer for this Legislative Assembly is hereby authorized and required to print and publish, in pamphlet form, one thousand copies of the Laws of the present session of the Legislative Assembly.

Distribution.

The Secretary of the Territory is hereby required to furnish the President of the United States and each of his cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Governor of each State and Territory of the United States with one copy each of the Laws and Journals, and the Governor of Utah with five copies of each; one copy of the Laws and Journals to each member and officer of the present Legislative Assembly; one copy of the Laws to the

Judges and Clerks of the Supreme, District and Probate Courts in this Territory; to the United States and Territorial Marshal; to the United States District Attorney and Attorney-General for the Territory; and to each additional civil officer in the Territory, including the Mayor, Aldermen, Recorder and Marshal for each incorporated city; one copy of the Laws to the commandant of the Nauvoo Legion, the commandants of each Division, Brigade, Regiment and Battalion and their respective staff-officers; and two copies of the Laws and Journals to each public library in the Territory.

When the Laws of the Territory are published, as comprised in "An act in relation to the Laws and Resolutions in force in Utah Territory, and embodying certain amendments," the same disposition as herein made for the Laws of this session shall be made thereof, and the remaining volumes kept on hand for the further disposition of the Legislative Assembly.

Approved Jan. 17, 1862.

### JOINT RESOLUTION

*Complimenting and Approving the Official Acts of Hon. Frank Fuller, Secretary and Acting-Governor of Utah.*

Be it resolved by the Legislative Assembly, in Joint Session assembled, That we highly approve of the sober, industrious habits and gentlemanly deportment of the Hon. Frank Fuller; and,

Be it further resolved, That we fully appreciate the just and impartial discharge of his official duties as Secretary and Acting-Governor of this Territory, and that his agreeable manners and liberal sentiments merit the esteem, not only of this Legislative Assembly, but of our citizens generally.

### RESOLUTION

*Concerning the Legislative Assembly.*

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the next Annual

ELEVENTH SESSION,

Session of the Legislative Assembly shall convene and be held in the Court House in Great Salt Lake City, and that said session shall commence on the second Monday of December next, at twelve o'clock meridian.  
Approved Jan. 17, 1862.

MEMORIAL TO CONGRESS

Dec. 23, 1861.

*For the Donation of Public Lands to Settlers, and for Educational Purposes.*

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the survey of the public lands; and also to extend to this Territory and its inhabitants the same privileges and donations of land to settlers, and for educational purposes, as were extended to the people and Territory of Oregon, by the provisions of an act entitled "An act to create the office of Surveyor-General of the public lands in Oregon, and to provide for the survey and to make donations to settlers on the said lands," approved Sep. 27, 1850, thereby granting to the early settlers in this distant and isolated region, a partial reward for the exposure, hardships, dangers, difficulties, privations and sufferings which are necessarily encountered by the pioneers in introducing civilization, by causing "the desert to blossom as the rose" in this mountainous and arid Territory.

Your early attention and favorable action upon this highly-important subject are earnestly and respectfully solicited, and your Memorialists, as in duty bound, will ever pray.

Approved Dec. 23, 1861.

## MEMORIAL TO CONGRESS

*For an Act Authorizing Treaties with Indians, and the Extinguishment of the Indian Title.* Jan. 6, 1862.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body for the passage of an act to authorize the extinguishment of the Indian title to lands in this Territory, suitable for agricultural purposes and for the necessary appropriation to purchase said land, and provide an asylum for the Shoshone, Utah, Parvante, San Pitch, Piede, Cumembahs, Uinta, and Peobowat Indians, and such other tribes or bands, or portions of tribes, as may be in possession of lands suitable for the advancement of white settlements in this Territory.

And, further, that a sufficient sum be provided to defray the expenses of treaties to make the necessary improvements for the location of said Indian tribes, such as the erection of mills, the establishment of schools, furnishing implements of husbandry and suitable mechanics and instructors for the Indians.

Your memorialists feel confident that the great importance attached to this subject will commend it favorably to your early attention and action thereon, and your Memorialists, as in duty bound, will ever pray.

Approved Jan. 6, 1862.

## MEMORIAL TO CONGRESS

*For the Establishment of a Semi-Weekly Mail from Fillmore City to San Bernardino, California.* Jan. 6, 1862.

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray for the establishment of semi-weekly mail service from Fillmore City in this Territory, south, via Beaver,

Parowan, Cedar, Washington, St. George, Santa Clara to San Bernardino, California—thereby establishing semi-weekly communication direct through Utah Territory to southern California, and that the necessary appropriation be made therefor.

The favorable action of Congress upon this our Memorial, at an early day, is earnestly desired, and your Memorialists, as in duty bound, will ever pray.

Approved Jan. 6, 1862.

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### MEMORIAL TO CONGRESS

Jan. 12, 1862.

*For Daily Mail.*

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray that the ninth section of chap. 73, "An act making appropriations for the service of the Post Office Department during the fiscal year ending June 30th, 1862," and approved March 2, 1861, be so amended as to authorize the delivery at Great Salt Lake City, Utah Territory, of the mails for the Territory daily; as the aforesaid mails pass directly by the post office in the aforesaid city each day, a very great convenience and benefit can be conferred upon the inhabitants of this Territory, without any additional expense to the department, and your Memorialists, as in duty bound, will ever pray.

Approved Jan. 18, 1862.

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### MEMORIAL TO CONGRESS

Jan. 12, 1862.

*For a Donation of Lands to Cities, Towns and Villages, and for the Aid of Common Schools.*

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialists, the Governor and Legislative

Assembly of the Territory of Utah, respectfully pray your honorable body to grant unto the inhabitants in the several cities, towns and villages in this Territory a donation of the land included within their respective surveyed and recorded plots, and which are actually occupied at the present date, and that the right of soil be secured by patent issuing from the Land office to Trustees elected for the purpose by the legal voters in their respective cities, towns and villages; and that the right of soil to said lands be conveyed by said Trustees to the settlers upon lots, upon the payment of the value thereof not exceeding ten dollars per acre, the proceeds to be placed in a fund by the said Trustees for the support of common schools.

Your early attention and favorable consideration of this subject is respectfully desired.

Approved Jan. 13, 1862.

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## MEMORIAL TO CONGRESS

*For a National Central Railroad.*

Jan. 13, 1862.

To the Honorable, the Senate and Representatives of the United States in Congress assembled:

GENTLEMEN:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your honorable body to provide for the construction of a national Central Railroad from Omaha, Nebraska Territory, by way of Great Salt Lake City to San Francisco, California.

Your Memorialists are thoroughly convinced that the material interests of our great republic would be greatly enhanced by the construction of said road, and that the perpetuity would be insured thereby, as the mineral resources of the Rocky, Wasatch, Humboldt and Sierra Nevada Mountains, can never be fully developed without its construction, and that upon its completion, the large trade with China and the East Indies would pass directly through the heart of the continent, giving our citizens almost the entire control of the Pacific and Asiatic commerce, pouring into the

lap of the Union the millions that are now diverted through other commercial channels; and last, though not least, the road herein proposed would be a perpetual chain of mutual interest or iron band that would effectually hold together our glorious Union with an imperishable identity of mutual interests, consolidating our relations at home and with foreign powers; and, in times of war, securing our borders from invasion or insurrection by the speedy transmission of troops, supplies and all other necessary appliances of war in case of public danger.

The early attention of Congress to this important subject, fraught as it is with the deepest interests to every one who desires to preserve the integrity intact of the Federal Union, is respectfully solicited, and your Memorialists, as in duty bound, will ever pray.

Approved Jan. 13, 1862.

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## MEMORIAL TO CONGRESS

Jan. 17, 1862.

*For a State Government.*

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

GENTLEMEN:

We, your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent to your honorable body, that,

Whereas, the rapid increase of population in this Territory calls loudly for that form of government bequeathed to us by our revered sires, viz.: that of a Sovereign State, and,

Whereas, the inhabitants of this Territory far exceed in number some of the States at the time of their admission, and, as our isolated condition renders it of the highest importance that the administrators of the law should be those who are permanently domiciled here, having their whole interests with the people over whom they are called to preside, and,

Whereas, the people of this oasis in the great desert of the west, are unanimously resolved to support the flag of our Union, and to preserve inviolate the Con-

stitution purchased by the blood of our patriotic fathers.

Therefore, your Memorialists earnestly pray your honorable body, at an early date, to take favorable action, by admitting Utah into the Union upon an equal footing with the original family of States, and your Memorialists, as in duty bound, will ever pray.

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NOTE.—To the above Memorial the following explanation was appended by the Executive: "As it appears to me to be contrary to the best usage to submit a Memorial to Congress for the purpose herein indicated, without an accompanying Constitution, or, at least, an allusion to such an instrument previously submitted, to afford a basis for Congressional action, I am compelled to view this Memorial in the light of an application for authority to take the initiatory steps preparatory to admission as a Sovereign State, which would be the formation of a State Constitution, and accordingly declare the same approved.

(Signed) FRANK FULLER,  
January 17, 1862. Acting Governor, Utah."

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## MEMORIAL TO CONGRESS

*To Remit the Direct Tax Apportioned to Utah Territory.*

Jan. 17, 1862.

To the Honorable, the Senate and House of Representatives in Congress assembled:

GENTLEMEN:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent, that the people of this Territory are far removed from the natural channels of commerce, and thus they have no market for their surplus products, and, as they are of necessity obliged, at vast expense, to import large quantities of merchandise, which, in the present undeveloped state of their resources, they are unable to manufacture, there is a constant drain of money from the Territory, without any corresponding source of supply, and as, for causes enumerated, they have not been able to collect, the past year, above two per cent. of the Territorial revenue in specie; and as, on account of the desert and mountainous character of the Territory, and the infrequency of places capable of sus-

taining population, their settlements are widely scattered, and large sums are annually required to keep the roads from becoming impassable; and, as the Legislative Assembly have assumed the quota of the direct tax apportioned to this Territory, and, in aid of its collection, have prohibited the levying of all city and county taxes, to enable the people to pay the said tax, thereby paralyzing many useful and necessary enterprises,

Therefore, we respectfully ask your honorable body to remit that part of the direct tax laid upon the Territory of Utah, and, as in duty bound, your petitioners will ever pray.

Approved Jan. 17, 1862.